



UNITED STATES SENATE
**REPUBLICAN
POLICY COMMITTEE**

Larry E. Craig, Chairman
Jade West, Staff Director

May 22, 2001

In First Two Years, New Presidents Get More Than 90 Percent Of Their Judicial Nominees Confirmed

Over the last quarter century, more than 90 percent of each new president's judicial nominees were confirmed during his first two years in office. This has been true even when different political parties controlled the Senate and the White House.

- President Carter had 93 percent of his nominees confirmed in his first two years.
- President Reagan had 98 percent of his nominees confirmed in his first two years.
- The first President Bush had 93 percent of his nominees confirmed in his first two years.
- President Clinton had 90 percent of his nominees confirmed in his first two years.

There are now 31 vacancies on the United States courts of appeals and 69 vacancies on the United States district courts. Based on caseload and the length of the vacancy, the Administrative Office of the U.S. Courts has declared that 36 of these vacancies are "judicial emergencies."

On May 9, 2001, President Bush began the process of filling these vacancies by nominating 11 distinguished jurists to the United States courts of appeals. Many more nominations will be made during the coming months.

If history is any guide, this Senate will confirm more than 90 percent of President Bush's judicial nominees. No new president during the last 25 years has had a rate of success of less than 90 percent during the first Congress of his presidency.

Perhaps, though, history is no longer a guide to how the Senate intends to handle judicial nominees. There are rumblings from across the aisle and threats that the long-standing practices of the Senate are going to be changed. If so, the chart on the back will help show how radical and far-reaching these changes might be.

Written by Lincoln Oliphant, 224-2946

**Percentage of Circuit Court and District Court Nominations Confirmed,
By Party Affiliation of the President and the Senate Majority, Since the 95th Congress**

Congresses and Their Terms of <u>Years</u>	Name of President, And His <u>Political Party</u>	Party Makeup Of U.S. Senate; Judiciary Committee <u>Leadership</u>	Odd-Numbered Congresses (No President- ial Election); Pres. & Senate <u>Of Same Party</u>	Odd-Numbered Congresses (No President- ial Election); Pres. & Sen. of <u>Different Party</u>	Even-Number - ed Congresses (Presidential Election); Pres- ident & Senate <u>Of Same Party</u>	Even-Number- ed Congresses (Presidential Election); Pres. & Senate of <u>Different Party</u>
95 th Cong. 1977-1978	Carter / Democrat	61 D; 38 R; 1 I Eastland / Hruska	92.8 percent			
96 th Cong. 1979-1980	"	58 D; 41 R; 1 I Kennedy / Thurmond			90.4 percent	
97 th Cong. 1981-1982	Reagan / Republican	53 R; 46 D; 1 I Thurmond / Biden	97.8 percent			
98 th Cong. 1983-1984	"	54 R; 46 D Thurmond / Biden			73.3 percent	
99 th Cong. 1985-1986	"	53 R; 47 D Thurmond / Biden	90.8 percent			
100 th Cong. 1987-1988	"	55 Dem; 45 R Biden / Thurmond				79.2 percent [Bork vote]
101 st Cong. 1989-1990	Bush / Republican	55 Dem; 45 R Biden / Thurmond		93.3 percent		
102 nd Cong. 1991-1992	"	56 Dem; 44 R Biden / Thurmond				68.5 percent [Thomas vote]
103 rd Cong. 1993-1994	Clinton / Democrat	57 Dem; 43 R Biden / Hatch	90.1 percent			
104 th Cong. 1995-1996	"	52 R; 48 D Hatch / Biden				69.5 percent
105 th Cong. 1997-1998	"	55 R; 45 Dem Hatch / Leahy		80.0 percent		
106 th Cong. 1999-2000	"	55 R; 45 D Hatch / Leahy				62.1 percent

Sources: Data in columns 4-7 are from D. Rutkus, C.R.S. Memorandum, "Judicial appointments and vacancy statistics, 1977-1999" (Jan. 3, 2000), supplemented for the year 2000 by data from the Administrative Office of the U. S. Courts.